

The article labeled "Admirine" was alleged to be misbranded in that certain statements regarding the curative or therapeutic effects of the article, borne on the carton label, falsely and fraudulently represented that the article would be effective as a body builder, blood medicine and blood purifier, would stimulate the kidneys; and would be an effective remedy for malaria, chills and fever, tired feeling, dizziness, belching of gas, sour stomach, weakness, indigestion, foul breath, coated tongue, nervousness, sallow skin, and different forms of blood troubles caused by malaria poisoning.

On March 4 and November 18, 1935, no claimant having appeared, decrees of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26120. Misbranding of Hawley's Ointment, and Vagitone. U. S. v. 40 Packages of Hawley's Ointment and 8 Packages of Vagitone. Default decrees of condemnation and destruction. (F. & D. nos. 31278, 31279. Sample nos. 46402-A, 46403-A.)

This case involved interstate shipments of articles described as Hawley's Ointment and Vagitone, the labels and packages of which bore and contained false and fraudulent representations regarding their curative or therapeutic properties.

On November 1, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 packages of Hawley's Ointment and 8 packages of Vagitone at Texarkana, Ark., alleging that the articles had been shipped in interstate commerce on or about June 7 and 13, 1933, by the Vincent Laboratories, from Texarkana, Tex., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that Hawley's Ointment consisted essentially of lanolin, camphor, and boric acid; and that the Vagitone consisted essentially of glycerin, resorcinol, and boric acid, with small amounts of zinc compounds, quinine sulphate, oxyquinoline sulphate, and thymol.

Hawley's Ointment was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the carton and bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article when applied as directed would be effective for the prevention of influenza and for the treatment of catarrh, catarrhal headache, hay fever, sore throat, croup, and all inflammatory conditions where an external application was indicated.

Vagitone was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the carton and bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article when applied as directed would be an effective remedy in the treatment of leucorrhea, vaginal catarrh, inflammatory diseases of the vaginal tract, inflammation of the genital organs, and the various diseases of the vagina and uterus.

On November 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26121. Misbranding of Melatol. U. S. v. Melatol Laboratories, Inc., et al. Tried to jury. Verdict of guilty. Fines, \$1,200 and costs. (F. & D. no. 31359. Sample nos. 28166-A, 32110-A.)

This case involved an interstate shipment of Melatol the package of which bore and contained representations regarding its curative and therapeutic effects that were false and fraudulent.

On October 23, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Melatol Laboratories, a corporation, and Joseph W. Spiker and Frank W. Kimball, officers of said corporation, Oakland, Calif., charging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about March 6, 1933, from the State of California into the State of Colorado of a quantity of Melatol that was misbranded.

Analysis showed that the article consisted essentially of a crude oil.

The article was alleged to be misbranded in that statements regarding the curative and therapeutic effects of the article, borne on the package and contained in an accompanying circular, falsely and fraudulently represented that the article was in whole or in part composed of or contained ingredients or

medicinal agents effective as a treatment and remedy for diabetes, stomach trouble, indigestion, ulcerated stomach, acidity, intestinal trouble, Bright's disease and chronic nervousness, faulty digestion, catarrhal condition of the stomach and intestines, colitis and inflammation of the intestines, various disorders of the digestive tract (stomach and intestines) and disorders of the urinary tract; effective to regain health; effective to control diabetic conditions; effective as a corrective; effective to stop the formation of ketone acids (poisons) and to rebuild the affected organs and tissues; effective to enhance and help the value of insulin in the treatment of diabetes; effective to help to correct the cause of diabetes; effective as a positive relief for ulcerated stomach; effective as a cure of some of the worst and most hopeless cases of Bright's disease; and effective as an aid to digestion and more perfect elimination.

On October 9, 1935, upon trial of the case before a jury, a verdict of guilty was returned as to each of the three defendants and the court imposed on the defendants severally a fine of \$400, amounting to \$1,200 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26122. Alleged adulteration and misbranding of fluidextract of aconite root. U. S. v. Lafayette Pharmacal, Inc. Tried to the court. Judgment, not guilty. (F. & D. no. 32084. Sample no. 33747-A.)

This case involved an interstate shipment of fluidextract of aconite root that allegedly did not conform to the standard laid down for fluidextract of aconite root in the National Formulary.

On May 26, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lafayette Pharmacal, Inc., a corporation, Lafayette, Ind., alleging shipment by said corporation in violation of the Food and Drugs Act on or about June 7, 1933, from the State of Indiana into the State of Illinois of a quantity of fluidextract of aconite root that was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said National Formulary in that said article, when administered to guinea pigs, had a minimum lethal dose of not less than 0.00014 cubic centimeters for each gram of body weight of guinea pig; whereas the National Formulary provided that fluidextract of aconite root should have a minimum lethal dose of not more than 0.00004 cubic centimeters for each gram of body weight of guinea pig.

The article was alleged to be misbranded in that the statement "Fluid Extract Aconite Root * * * N. F.-5th", borne on the labels, was false and misleading in that it represented that the article was fluidextract of aconite root that conformed to the standard laid down in the National Formulary, fifth edition; whereas, in fact, said article was not fluidextract of aconite root that conformed to the standard laid down in the National Formulary, fifth edition. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, appearing on the labels, falsely and fraudulently represented that the article was effective as a treatment for rheumatism, gout, neuralgia, and catarrhal affections, effective as a powerful narcotic and antiphlogistic, and effective to increase the urinary discharges.

On April 18, 1936, upon trial to the court, the defendant was found not guilty.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26123. Misbranding of Crisp's Hot Shot and Crisp's Sta-Well. U. S. v. Benjamin S. Bonebrake and Sidney A. Crisp (S. A. Crisp Canine Co.). U. S. v. Benjamin S. Bonebrake and William T. Hollifield (S. A. Crisp Canine Co.). Pleas of nolo contendere. Fine, \$20. (F. & D. nos. 32129, 32133. Sample nos. 7584-A, 14113-A, 14114-A.)

These cases involved interstate shipments of Crisp's Hot Shot and of Crisp's Sta-Well the packages of which bore and contained false and fraudulent representations as to the curative or therapeutic effects of the articles.

On September 12, 1934, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court an information against Benjamin S. Bonebrake and Sidney A. Crisp, trading as S. A. Crisp Canine Co., Blacksburg, S. C., and an information against Benjamin S. Bonebrake and William T. Hollifield, trading as S. A. Crisp Canine Co., Blacksburg, S. C., the information first mentioned